**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 4949**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Long, Chumley, Burns, McCravy and Magnuson

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Introduced in the House on February 15, 2018

Currently residing in the House Committee on **Judiciary**

Summary: Marriage and Constitution Restoration Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/15/2018 House Introduced and read first time ([House Journal‑page 63](file:///h:\hj\20180215.docx))

2/15/2018 House Referred to Committee on **Judiciary** ([House Journal‑page 63](file:///h:\hj\20180215.docx))

2/22/2018 House Member(s) request name removed as sponsor: Martin

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**VERSIONS OF THIS BILL**

[2/15/2018](file:///p:\pprever\2017-18\4949_20180215.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20‑1‑110 SO AS TO ENACT THE “MARRIAGE AND CONSTITUTION RESTORATION ACT”; TO DEFINE CERTAIN TERMS, INCLUDING “PARODY MARRIAGE” AND “MARRIAGE”; TO PROVIDE THAT PARODY MARRIAGE POLICIES ARE NONSECULAR IN NATURE; TO PROHIBIT THE STATE FROM RESPECTING, ENDORSING, OR RECOGNIZING ANY PARODY MARRIAGE POLICY OR POLICIES THAT TREAT SEXUAL ORIENTATION AS A SUSPECT CLASS; AND FOR OTHER PURPOSES.

Whereas, parody marriages and parody marriage policies are nonsecular for the purposes of the Establishment Clause; and

Whereas, marriages between a man and a woman and policies that endorse marriage between a man and a woman are secular in nature for purposes of the Establishment Clause; and

Whereas, civilizations for millennia have defined marriage as a union between a man and a woman; and

Whereas, marriage between and man and a woman arose out of the nature of things and marriage between a man and a woman is natural, neutral, and noncontroversial, unlike parody forms of marriage; and

Whereas, the State of South Carolina has a duty under Article VI of the United States Constitution to uphold the United States Constitution; and

Whereas, the First Amendment applies to the State of South Carolina through the Fourteenth Amendment; and

Whereas, the First Amendment, not the Fourteenth Amendment, has exclusive jurisdiction over which types of marriages the State can endorse, respect, and recognize; and

Whereas, all forms of parody marriage and all self-asserted sex-based identity narratives and sexual orientations that fail to check out the human design are part of the religion of Secular Humanism; and

Whereas, the United States Supreme Court has found that Secular Humanism is a religion for the purpose of the Establishment Clause in Torcaso v. Watkins, 367 U.S. 488 (1961), and Edwards v. Aguillard, 482 U.S. 578 (1987); and

Whereas, the State of South Carolina is prohibited from favoring or endorsing religion over nonreligion; and

Whereas, the State of South Carolina’s decision to respect, endorse, and recognize parody marriages and sexual orientation policies has excessively entangled the government with the religion of Secular Humanism, failed to accomplish its intended purpose, and created an indefensible legal weapon against nonobservers; and

Whereas, in the wake of Obergefell v. Hodges, 135 S. Ct. 2584 (2015), there has not been a land rush on gay marriage, but there has been a land rush on the persecution of nonobservers by Secular Humanists and an effort by Secular Humanists to infiltrate and indoctrinate minors in public schools to their religious world view which is questionably moral, plausible, obscene, and is not secular; and

Whereas, it is unsettled whether or not sexual orientation is immutable or genetic and is therefore a matter of faith; and

Whereas, parody marriages have never been a part of American tradition and heritage; and

Whereas, parody marriage policies and sexual orientation statutes are nonsecular and policies that respect, endorse, and recognize a marriage between a man and a woman are secular, accomplishing its intended objective. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be known and cited as the “Marriage and Constitution Restoration Act”.

SECTION 2. Article 1, Chapter 1, Title 20 of the 1976 Code is amended by adding:

“Section 20-1-110. (A) For purposes of this section,

(1) ‘Parody marriage’ means any form of marriage that does not involve one man and one woman.

(2) ‘Nonsecular policy’ means state action which endorses, respects, and recognizes the beliefs of a particular religion where the preeminent and primary force driving the state’s action is not genuine, but a sham that ultimately has a primary religious objective.

(3) ‘Secular policy’ means state action that is natural, neutral, noncontroversial and that is based on self-evident truth. Secular policy accomplishes its goals and purposes. State action where the preeminent and primary force driving the policy is genuine, not a sham, and not merely secondary to a religious objective.

(4) ‘Sexual orientation’ means a self-asserted sex-based identity narrative that is based on a series of naked assertions and unproven faith-based assumptions that are implicitly religious.

(5) ‘Marriage’ means a union of one man and one woman.

(B)(1) In view of the First Amendment’s Freedom of Expression Clause of the United States Constitution and the Constitution of South Carolina, 1895:

(a) any person living in South Carolina can cultivate any self-asserted sex-based identity narrative or self-asserted sexual orientation at will, even if it does not check out with the human design as a matter of self-evident observation.

(b) any person can conduct any form of marriage ceremony and other rituals that accords with their self-asserted sexual orientation and live as married persons do, as long as the ceremonies do not conflict with other parts of the South Carolina Code and federal law.

(2) In view of the First Amendment’s Establishment Clause of the United States Constitution and the Constitution of South Carolina, 1895:

(a) the State of South Carolina shall no longer respect, endorse, or recognize any form of parody marriage policy because parody marriage policies are nonsecular.

(b) the State of South Carolina shall no longer enforce, recognize, or respect any policy that treats sexual orientation as a suspect class because all such statutes lack a secular purpose.

(C) The State of South Carolina will continue to enforce, endorse, and recognize marriages between a man and a woman because such marriage policies are secular, accomplishing nonreligious objectives.”

SECTION 2. This act takes effect upon approval by the Governor.

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